

THE NEW YORK STATE PUBLIC SAFETY AGENCIES

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DEC 15 1992

Project 26

(New York Metropolitan Area Spectrum Relief)

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PROJECT MEMBERS

December 16, 1992

New York City:
Police Dept.
Fire Dept.
EMS
Corrections Dept.
Transit Police Dept.
General Services Dept.
Transportation Dept.
Hospital Police
Parks Dept.

Ms. Donna Searcy, Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

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Dear Ms. Searcy:

New Jersey:
Bergen County Police

Nassau County:
Elmont Fire Dept.
East Meadow Fire Dept.
Police Dept.

Suffolk County:
Town of Islip

Enclosed please find an original and eleven (11) copies of reply comments In The Matter of MM Docket No. 87-268 prepared by the New York Public Safety Agencies. Please distribute the comments for record, to the appropriate FCC staff, and to the FCC Commissioners.

PROJECT DIRECTOR

Vincent R. Stile
Suffolk County Police Dept.
30 Yaphank Avenue
Yaphank, NY 11980
(516) 852-6431

Sincerely,

Vincent R. Stile

Vincent R. Stile
Project Director
NYPSA

Enclosure

Telephone: (516) 852-6431

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN THE MATTER OF)
)
ADVANCED TELEVISION SYSTEMS)
AND THEIR IMPACT UPON THE)
EXISTING TELEVISION BROADCAST)
SERVICE)

MM DOCKET NO. 87-268

To: The Commission

COMMENTS
OF THE
THE NEW YORK PUBLIC SAFETY AGENCIES (NYPSA)

THE NEW YORK PUBLIC SAFETY AGENCIES

Vincent R. Stile
Project Director
NYPSA

Carroll F. White
Legislative Director
NYPSA

Dated: December 16, 1992

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**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

DEC 15 1992

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

IN THE MATTER OF)
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**REPLY COMMENTS
OF THE
NEW YORK PUBLIC SAFETY AGENCIES**

DEC 15 1992

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1. The New York Public Safety Agencies (NYPSA) hereby submit their reply comments on the above referenced docket's (87-268) 2nd FNPRM. These agencies are public safety operators of TV shared channels (channels 14 and 15), and other frequency starved agencies. It is incumbent upon us to express our serious concerns about the comments submitted in this proposed rule making.

2. Pursuant to the reply comments herein, the New York Public Safety Agencies¹ consist of twelve New York

¹ The New York Public Safety Agencies are the New York City Police Department, New York City Fire Department, New York City Emergency Medical Service, New York City Department of Corrections, New York City Transit Police Department, New York City Department of Transportation, New York City Health and Hospitals Corporation Police, New York City Department of Parks and Recreation, Nassau County Police department, Elmont Fire District (Nassau County), the Town of Islip (Suffolk County), and the Bergen County Police in New Jersey.

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Metropolitan area local government, police, fire, emergency rescue and highway service agencies, extending from Suffolk County, New York, on Long Island, to Bergen County in New Jersey. These same public safety agencies have also submitted a recent request for waiver of Parts 2 and 90 of the Federal Communications Commission's Rules and Regulations to permit them to operate two-way radio stations in the Public Safety Radio Services on frequencies in the 482-488 MHz band (TV channel 16). The petition requesting the waiver is to provide additional TV channel sharing for use with existing land mobile stations (TV channels 14 and 15), presently operating throughout the New York metropolitan area.

3. Unique circumstances forced the New York Public Safety Agencies to formulate a spectrum relief committee in order to express the desperate radio spectrum shortages within the New York metropolitan area. These same set of circumstances requires that we submit reply comments in addition to our previously filed comments on the Commission's Advanced Television (ATV) proposals.

4. NYPSA would like to make one general comment in regard to many comments filed by VHF and UHF television interests. It appears that the VHF interests prefer a combination of VHF and UHF ATV allotments. While on the

other hand the UHF interests appear to prefer an exclusive UHF ATV allotment. NYPSA is concerned that this conflict may prolong the Commission's final ruling in regard to ATV allotments.

5. As noted previously, NYPSA has filed a request for a rule waiver to use TV channel 16 in the New York Metropolitan area for the Public Safety Radio Services. As is clearly pointed out in the waiver request, the need for this spectrum is extremely urgent. This was evident as recently as last week when a highly destructive storm struck northeastern United States, hitting the New York area especially hard. Emergency communications were severely hindered by public safety radio systems, that under normal conditions have insufficient radio channels, and the lack of public safety inter-operability. For public safety agencies to continue to wait until a possibly prolonged dispute between the two TV interests is resolved is contrary to reason.

6. Addressing specific comments filed by others, NYPSA takes exception to the Joint Broadcasters remarks in their section C. ATV-to-Land Mobile Interference Protection Standards wherein it is suggested that "... it seems prudent to postpone adoption of a specific [ATV] standard until the development of a better system and [TV] receiver-performance data." If the Commission accepts this approach it could also result in a delay affecting NYPSA's waiver request with

corresponding deleterious results to public safety operations in the New York City area.

7. In the comments filed by Golden Orange Broadcasting Co., Inc. at paragraphs 11 and 12 and in comments filed by KSCI, Inc. in section III, page 9, it is advocated that existing land mobile users in the UHF TV band be relocated to the VHF TV band. In addition to the technical problems that this would entail, it would present an enormous economic burden on the current users, especially the public safety agencies assigned frequencies in the UHF TV band. To force agencies such as police, fire, EMS, etc. to vacate and move from their present radio channels would not only introduce the need for already scarce funding, but would also cause potential serious operating problems. It is difficult to conclude that ATV for entertainment purposes, is more in the public interest than public safety's responsibility for the protection of life and property.

8. The comments filed by WTLK-TV in their section 4. Land Mobile, offer an interesting consideration. This Atlanta, Georgia TV station has had a long history of interference between their TV operation and nearby land mobile operations on adjacent frequencies. The proposal to provide a guard band between land mobile and UHF TV stations could eliminate the interference problem that has long plagued both types of users.

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9. Therefore, NYPSA is deeply concerned that if the Commission, in its allotment, makes channel 16 available for ATV use in the New York Metropolitan area it will cause extremely serious public safety operational problems. The New York City Police Department and New York City EMS both use frequencies that are immediately adjacent to channel 16. This worry is based on the long history that the Commission has had with land mobile being adjacent to channels 14 and 69. Furthermore, if New York is allotted channel 16 for ATV the ensuing problems will be exacerbated, as ATV transmitters would be in effect co-located with land mobile, including public safety transmitters.

10. However, NYPSA does question the need for a two Megahertz guard band. With the infusion of digital technical, NYPSA believes that a one megahertz guard band should be sufficient. Regardless, NYPSA joins with WTLK-TV in asking the Commission to consider this type of essential protection.

11. In support of the issue addressed above, NYPSA joins with the County of Los Angeles as stated in their comments on page 5. They are rightly concerned with the potential for interference between proposed ATV channel 15 and existing public safety channel 16. This is the same situation that could occur in the New York City area as previously mentioned. NYPSA fully agrees with the County of Los Angeles statement, "Therefore, to call this ATV

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allotment 'short-spaced' is a gross understatement. It is, in effect, co-located with land mobile operations."

12. Finally, NYPSA completely supports the comments filed by the Associated Public-Safety Communications Officers, Inc. (APCO). In particular, APCO's comments regarding the allotment of UHF channel 16 for ATV in New York are reflective of NYPSA's major concerns in this proceeding. APCO accurately states the New York City situation, "... there is a life threatening shortage of public safety radio frequencies in New York."

Respectfully submitted,

NEW YORK PUBLIC SAFETY AGENCIES

By: Vincent R. Stile

Vincent R. Stile
Project Director, NYPSA
Suffolk County Police Dept.
30 Yaphank Avenue
Yaphank, NY 11980

Carroll F. White
Legislative Director, NYPSA
NYC Transit Police Department
370 Jay Street
Brooklyn, NY 11201

Dated: December 16, 1992